IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.3352/07
Mohammad Yusuf
Vs.
ADJ Court No.3, Kota & Ors.

8.5.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Ashwani Chobisa for petitioner.

The petitioner has challenged the order passed by the Additional District Judge No.3, Kota whereby his appeal against the order dated 24.5.2006 passed by the Civil Judge (Jr. Division), South, Kota was rejected. The learned Civil Judge by his aforesaid order in the civil suit filed by the Divisional Forest Officer allowed the application for temporary injunction under Order 39 Rule 1 & 2 CPC with a direction that till

pendency of the suit, the parties shall maintain status quo and shall not raise any construction not shall involve in any activity of demolition etc. and the dependents were directed to demolish the boundary wall which was raised on the land. The learned Court came to the prima facie conclusion about the entitlement of the Forest Department to claim that land. The aforesaid order was upheld by the Court of Additional District Judge in appeal. The Appellate Court in his order has mentioned that while the defendants could not produce any record to show as to how and when the lands in dispute came to be recorded in favour of UIT, Kota. On the other hand the Forest Department has produced records pertaining to the year 1978 (Svt. 2035) showing that the

disputed land including the concerning lands were recorded in favour of the forest in which khasra no.86 was also included where the disputed land is located.

Having heard the learned counsel for the petitioner and perused the material on record, I do not find that either of the courts below have committed any error so as to warrant interference by this Court in exercise of its writ jurisdiction of certiorari under Article 226 of the Constitution of India.

The writ petition stands dismissed.

(Mohammad Rafiq),J.

Rs/-